

REMARKS/ARGUMENTS

The Examiner is thanked for the Final Official Action dated April 16, 2010. This amendment and request for reconsideration is intended to be fully responsive thereto.

Claims 1, 4, 5, 18, 19 and 21 were rejected under 35 U.S.C. 102(b) as being anticipated by Harris et al. (USPN 5,793,143). The applicant respectfully disagrees.

Regarding claim 1: Applicant maintains that Harris, contrary to the examiner's allegations, the enclosed pockets 36, 50 of Harris are **not axially inclined** from the solid part of the plate at the side of the claws.

The Examiner concedes that the sealing parts (i.e., the enclosed pockets 36, 50) of Harris are lying in the horizontal plane (see page 2, line 17 of the Final Official Action dated April 16, 2010). As stated in MPEP § 2111, the broadest reasonable interpretation of the claims must be consistent with the interpretation that those skilled in the art would reach. Clearly, those skilled in the art would not interpret the enclosed pockets 36, 50 of Harris lying in the horizontal plane as inclined. Moreover, the word "inclined" is clearly defined as "deviating in direction from the horizontal or vertical; sloping" clearly means that that the inclined line or surface deviates from both horizontal and vertical. Those skilled in the art would readily understand that the definition of the word "inclined" as "deviating in direction from the horizontal or vertical; sloping" clearly means that that the inclined line or surface deviates from both horizontal and vertical. Furthermore, the word "inclined" is also defined as "sloping". The word "slope" is defined by the Dictionary.com (Unabridged. Based on the Random House Dictionary, © Random House, Inc. 2010), as "ground that has a natural incline, as the side of a hill; inclination or slant, esp. downward or upward". Clearly, those skilled in the art would not interpret the enclosed pockets

36, 50 of Harris lying in the horizontal plane as sloping, or inclined as the side of a hill, or slanted downward or upward. Thus, the enclosed pockets 36, 50 are not axially inclined.

Furthermore, the enclosed pockets 36, 50 of Harris are not in the form of thin tabs as recited in claim 1.

Therefore, Applicant respectfully submits that the applied document, *i.e.*, the '143 patent to Harris, does not meet this standard of anticipation. Accordingly, the rejection of claims 1, 4, 5, 18, 19 and 21 under 35 U.S.C. 102(b) over Harris is improper.

Further regarding claim 5: Harris fails to disclose the axial relief is shaped so as to serve as a fixing clip for the fan on the corresponding magnet wheel.

Contrary to the invention recited in claim 5, each pocket 36 (interpreted by the Examiner as the axial relief) is located so that "when fan 24 is assembled into rotor 10, a pocket 36 is pressed under a pole finger 22 of second pole piece 14 and above body 32 of first pole piece 12" by a very snug or interference fit (see col. 2, lines 47-51 of Harris) (emphasis added). Similarly, "each pocket of fan 28 is pressed under a pole finger 20 of first pole piece 12 and above the body of second pole piece 14" by a very snug or interference fit (see col. 3, lines 15-20 of Harris) (emphasis added). In other words, the pockets 36 of the first fan 24 are fixing the first fan 24 on the second pole piece 14, while the pockets 50 of the second fan 28 are fixing second fan 28 on the first pole piece 12. Thus, contrary to the invention recited in claim 5, the pockets 36, 50 (or axial reliefs) are fixing the fan 24, 28 on the opposite pole piece (magnet wheel) not the corresponding one as recited in claim 5.

Accordingly, the rejection of claim 5 under 35 U.S.C. 102(b) as being anticipated by Harris is improper.

Claim 7 was rejected under 35 U.S.C. 103(a) as being unpatentable over Harris in view of Vasilescu et al. (US 2003/0030334). The applicant respectfully disagrees.

As argued above regarding the patentability of claim 1, Harris fails to disclose the sealing part comprising an axial relief in the form of a thin tab comprising a first face axially inclined from the solid part of the plate at the side of the claws.

Vasilescu fails to disclose the fan comprising a plate substantially perpendicular to the axis (X-X') and having a sealing part axially sealing at least one of the peripheral spaces. In other words, according to the present invention as recited in claim 1, the peripheral spaces between the claws are axially sealed by the plate substantially perpendicular to the axis of rotation, not by the fan blades protruding from the plate.

Second, Vasilescu fails to disclose the sealing part comprising an axial relief in the form of a thin tab and a blade extending along the first face of the tab.

Therefore, even if the combination of and modification of Harris and Vasilescu suggested by the Examiner could be made, the resulting rotor assembly still would lack the fan including the sealing part comprising an axial relief in the form of a thin tab comprising a first face axially inclined from the solid part of the plate at the side of the claws, and a blade extending along the first face of the tab.

Accordingly, the rejection of claim 7 under 35 U.S.C. 103(a) over Harris in view of Vasilescu is improper.

Claims 6, 20 and 22 were rejected under 35 U.S.C. 103(a) as being unpatentable over Harris in view of Bucning et al. (US 6,781,262). The applicant respectfully disagrees.


Appl. No. 10/584,406
In re Vasilescu, C.
Reply to Final Office Action of Apr. 16, 2010

Claims 6, 20 and 22 depend upon the base claim 1, thus all the arguments regarding the patentability of claim 1 are equally applicable to claims 6, 20 and 22, which further define the invention over the prior art.

It is respectfully submitted that claims 1, 4-7 and 18-22 define the invention over the prior art of record and are in condition for allowance, and notice to that effect is earnestly solicited. Should the Examiner believe further discussion regarding the above claim language would expedite prosecution they are invited to contact the undersigned at the number listed below.

Respectfully submitted:

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